



UNITED STATES | ENGLAND | GERMANY | CHINA

BRUCE JONES  
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(612) 766-7426

November 28, 2007

Louis W. Bullock  
Miller Keffer Bullock Pedigo LLC  
110 West 7th Street, Ste. 707  
Tulsa OK 74119-1031

Richard T. Garren  
Riggs, Abney, Neal, Turpen, Orbison & Lewis  
502 West Sixth Street  
Tulsa, OK 74119

Re: State of Oklahoma v. Tyson Foods Inc.  
Court File No. 4-05-cv-000329-TCK-SAJ

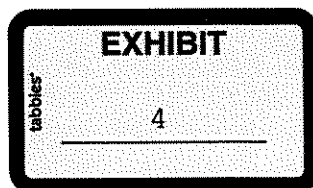
Dear Messrs Bullock and Garren:

We have now had an opportunity to review in some detail Plaintiffs' Motion for Preliminary Injunction (Docket No. 1373) in the above-captioned case, in which our office represents two of the defendants, Cargill, Inc. and Cargill Turkey Production, LLC. As you know from the Cargill Defendants' various discovery responses and undoubtedly from your own research, Cargill, Inc. does not presently own or operate any poultry operations of any kind in the Illinois River Watershed and does not presently contract with growers in the watershed for the raising of turkeys or chickens. Although Cargill Turkey Production, LLC is currently involved in such activities, Cargill, Inc. simply is not involved in the poultry business in the IRW in any way.

Thus, although we may disagree about whether and what remedies may be available against Cargill, Inc. based on its past involvement in the poultry industry, there can be no serious question that the present motion for preliminary injunction is not properly directed to Cargill, Inc. In its own words, the plaintiffs' motion seeks to enjoin each Defendant from:

- (1) applying poultry waste to any land within the IRW and (2) allowing the application of poultry waste generated at its respective poultry feeding operations and/or the respective poultry feeding operations under contract with it to any land within the IRW.

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Plaintiffs Motion [Docket 1373] at 24. Here, Cargill, Inc. (1) does not apply poultry litter to any land within the IRW and (2) neither operates any poultry feeding operations nor has any poultry feeding operations under contract with it in the IRW.

If there is some legal basis to enjoin Cargill, Inc. from conduct in which it does not and is not in a position to engage, I would appreciate it if you would identify that basis for me. If not, I ask that you amend your motion to withdraw any request that the proposed preliminary injunction, as framed, be applied against Defendant Cargill, Inc.

I look forward to your response at your earliest convenience.

Very truly yours,

  
Bruce Jones

bj:dy

fb us 2428851.02

cc: All Counsel of Record



UNITED STATES | ENGLAND | GERMANY | CHINA

BRUCE JONES  
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(612) 766-7426

December 7, 2007

Louis W. Bullock  
Miller Keffer Bullock Pedigo LLC  
110 West 7th Street, Ste. 707  
Tulsa OK 74119-1031

BY EMAIL

Richard T. Garren  
Riggs, Abney, Neal, Turpen, Orbison & Lewis  
502 West Sixth Street  
Tulsa, OK 74119

BY EMAIL

Re: State of Oklahoma v. Tyson Foods Inc.  
Court File No. 4-05-cv-000329-TCK-SAJ

Dear Messrs Bullock and Garren:

I write to follow up on my November 28, 2007 letter to you, which pointed out that Plaintiffs' motion for preliminary injunction was moot as to defendant Cargill, Inc. and asked that Plaintiffs withdraw the motion as to that defendant. (I attach a copy of my earlier letter for your convenience.) To date, I have received no response to that letter. In light of the aggressive discovery and prehearing schedule that resulted from this morning's conference with Judge Frizzell, we need to know the Plaintiffs' position on this issue as soon as possible.

I therefore ask that you immediately advise us of Plaintiffs' response to Cargill, Inc.'s request. My thanks in advance for your anticipated attention to this issue.

Very truly yours,

A handwritten signature of Bruce Jones in dark ink. The signature is stylized, with the first name "Bruce" and last name "Jones" clearly visible. Below the signature, the name "Bruce Jones" is printed in a small, sans-serif font.  
Bruce Jones

bj:dy

fb us 2471613 01

cc: All Counsel of Record

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UNITED STATES | ENGLAND | GERMANY | CHINA

BRUCE JONES  
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December 20, 2007

Louis W. Bullock  
Miller Keffer Bullock Pedigo LLC  
110 West 7th Street, Ste. 707  
Tulsa OK 74119-1031

BY EMAIL

Richard T. Garren  
Riggs, Abney, Neal, Turpen, Orbison & Lewis  
502 West Sixth Street  
Tulsa, OK 74119

BY EMAIL

Re: State of Oklahoma v. Tyson Foods Inc.  
Court File No. 4-05-cv-000329-TCK-SAJ

Dear Messrs Bullock and Garren:

I write to follow up on my November 28 and December 7, 2007 letters to you, which noted that Plaintiffs' motion for preliminary injunction is moot as to defendant Cargill, Inc. and asked that Plaintiffs withdraw the motion as to that defendant. (I attach copies of my earlier letters for your convenience.) To date, I have received no response to either letter.

We cannot of course compel Plaintiffs to respond directly to our request that they withdraw their motion for preliminary injunction as to Cargill, Inc. Nevertheless, I ask that you at least advise us whether your clients intend to respond to the request and, if so, when. Obviously, we will interpret a refusal to respond to the request as a refusal of the request itself.

I appreciate your courtesies in this matter, and I look forward to hearing from you at your earliest convenience.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Bruce Jones". Below the signature, the name "Bruce Jones" is printed in a standard serif font.  
Bruce Jones

bj:dy

fb.us 2495256.01

cc: All Counsel of Record

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!

**Jones, Bruce**

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**From:** Jones, Bruce  
**Sent:** Friday, December 21, 2007 3:32 PM  
**To:** 'lbullock@mkblaw.net'; 'rgarren@riggsabney.com'  
**Cc:** 'bfreeman@cwlaw.com'; Ehrich, Delmar R.; 'jelrod@cwlaw.com'; 'rfunk@cwlaw.com'; 'thill@rhodesokla.com'; 'Tim.Jones@tyson.com'; 'phixon@mhla-law.com'; 'mhopson@Sidley.com'; 'Michael.Bond@KutakRock.com'; 'rsanders@youngwilliams.com'; 'Terry@thewestlawfirm.com'; 'TWebster@Sidley.com'; 'jtucker@rhodesokla.com'; 'pbuchwald@ryanwhaley.com'; 'mantene@ryanwhaley.com'; Intermill, Jessica S.; 'vmorgan@cwlaw.com'; 'vrobinson@cwlaw.com'; 'lphillips@cwlaw.com'; Sperrazza, Quynh C.; 'lwhite@rhodesokla.com'; 'gbarber@rhodesokla.com'; 'lzeringue@pmrlaw.net'; 'pthompson@bassettlawfirm.com'; Dolan, Christopher H.; Rockwood, Linda L.; 'smcdaniel@mhla-law.com'; 'nlongwell@mhla-law.com'; 'jwaller@mhla-law.com'; Carney, Kristen Shults; 'jwisley@cwlaw.com'; 'kkobbeman@cwlaw.com'; 'CMirkes@mhla-law.com'; 'ljsoutherland@rhodesokla.com'  
**Subject:** FW: State of Oklahoma v. Tyson Foods, Inc.

Rick:

My assistant conveyed your message of this morning on to me (below). I appreciate the acknowledgement of my correspondence and I understand that it is a busy time of year. Nevertheless, my original request that Plaintiffs withdraw their motion for preliminary injunction as to Cargill, Inc. is now nearly a month old, and we have difficulty understanding Plaintiffs' delay in responding to the simple yes-or-no question of whether their current motion against Cargill, Inc. has a factual and legal basis. Indeed, I am confident that you and your colleagues undertook such an inquiry before the motion was brought.

I therefore must insist on a substantive response. We do not believe that your motion has any possible application against Cargill, Inc., and, given that, we do not believe that Cargill, Inc. should be put to the time, trouble, and expense of defending on the merits of the motion.

If Plaintiffs have some legal and factual basis for seeking to enjoin Cargill, Inc. from conduct in which it does not and is not in a position to engage, I ask that you identify that basis for me not later than next Friday, December 28. If we do not receive by then either such an explanation or an agreement to withdraw the motion as to Cargill, Inc., we intend to bring a motion to strike Plaintiffs' motion for preliminary injunction as to Cargill, Inc. on the ground that the undisputed facts demonstrate that the relief Plaintiffs seek cannot possibly be granted against Cargill, Inc.

We look forward to your response.

Bruce

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**From:** Richard Garren [mailto:RGarren@riggsabney.com]  
**Sent:** Thursday, December 20, 2007 4:48 PM  
**To:** Ybarra, Deborah J.  
**Cc:** Louis Bullock  
**Subject:** RE: State of Oklahoma v. Tyson Foods, Inc.

Please convey to Mr. Jones that we are aware of his letter and will consider it and respond in due time. The press of other matters continues to weigh on our ability to complete this task. Thanks Rick

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**From:** Ybarra, Deborah J. [mailto:DYbarra@faegre.com]

2/11/2008

**Sent:** Thursday, December 20, 2007 10:44 AM

**To:** lbullock@mkblaw.net; Richard Garren

**Cc:** phixon@mhla-law.com; Bryan.Burns@tyson.com; Mark\_Quayle@cargill.com; Robert.George@KutakRock.com; jgraves@bassettlawfirm.com; jgriffin@lathropgage.com; sjantzen@ryanwhaley.com; gweeks@bassettlawfirm.com; rredemann@pmrlaw.net; vbronson@cwlaw.com; bfreeman@cwlaw.com; Ehrich, Delmar R.; jelrod@cwlaw.com; rfunk@cwlaw.com; thill@rhodesokla.com; Tim.Jones@tyson.com; mhopson@Sidley.com; Michael.Bond@KutakRock.com; rsanders@youngwilliams.com; Terry@thewestlawfirm.com; TWebster@Sidley.com; jtucker@rhodesokla.com; pbuchwald@ryanwhaley.com; mantene@ryanwhaley.com; Intermill, Jessica S.; vmorgan@cwlaw.com; vrobinson@cwlaw.com; lphillips@cwlaw.com; Sperrazza, Quynh C.; lwhite@rhodesokla.com; gbarber@rhodesokla.com; lzingue@pmrlaw.net; pthompson@bassettlawfirm.com; Dolan, Christopher H.; Rockwood, Linda L.; Jones, Bruce; smcdaniel@mhla-law.com; nlongwell@mhla-law.com; jwaller@mhla-law.com; Carney, Kristen Shults; jwisley@cwlaw.com; kkobbeman@cwlaw.com; CMirkes@mhla-law.com; ljsoutherland@rhodesokla.com

**Subject:** State of Oklahoma v. Tyson Foods, Inc.

I have attached a letter from Bruce Jones in the above-referenced matter. Please let me know if you cannot open this attachment.

<<Cargill-Oklahoma ltr fm B Jones to L Bullock, R Garren 12-20-07.pdf>>

Deborah J. Ybarra

Legal Administrative Assistant to Bruce Jones

Faegre & Benson LLP

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2/11/2008